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In re Application of:	:	
WALTHER, Thomas, et al	:	DECISION ON REQUEST TO
U.S. Application No.: 10/589,214	:	CORRECT INVENTORSHIP
PCT No.: PCT/EP2005/000850	:	(37 CFR 1.497(d))
International Filing Date: 28 January 2005	:	
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 4100-411PUS	:	
For: METHOD FOR PRODUCING RFID	:	
LABELS	:	

This decision is issued in response to the "Request To Correct Inventorship Under 37 CFR 1.497(d)" filed 30 July 2007. Applicants have paid the required \$130 processing fee.

**BACKGROUND**

The procedural background for the present application was set forth in the Decision mailed by this Office on 23 May 2007. That decision stated that the declaration filed by applicants on 28 November 2006 was not acceptable because it named a different inventive entity than that set forth in the international application. Specifically, the declaration included three additional inventors who were not of record: Reinhard BAUMANN, Robert WEISS, and Peer DILLING. The decision noted that a grantable request to add these three additional inventors under 37 CFR 1.497(d) was required before the declaration could be accepted.

On 30 July 2007, applicants filed the "Request To Correct Inventorship Under 37 CFR 1.497(d)" considered herein. The request seeks to add to the present national stage application the three additional inventors named in the previously filed declaration.

**DISCUSSION**

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage:

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied. These requirements include: (A) a statement from

each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted in the previous decision, applicants here have filed a declaration that includes three inventors who were not identified as inventors in the international application. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

With respect to item (A) above, applicants have submitted statements from the three inventors being added, Reinhard BAUMANN, Robert WEISS, and Peer DILLING, in which these inventors state that the error in inventorship in the international application occurred without any deceptive intent on their part. With respect to item (B), applicants have paid the required processing fee. With respect to item (C), applicants have submitted a statement of consent to the change of inventorship executed on behalf of the assignee, MAN Roland Druckmaschinen AG. The statement of consent is accompanied by a "Certificate Under 3.73(b)" that includes a reference to the Reel/Frame at which the relevant assignment is recorded, as required.

Based on the above, applicants have satisfied all the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d).

### **CONCLUSION**

Applicants' request for correction of inventorship under 37 CFR 1.497(d) is **GRANTED**.

Reinhard BAUMANN, Robert WEISS, and Peer DILLING are hereby added as inventors of record herein.

Taking into consideration the above correction of inventorship, the declaration submitted by applicants on 28 November 2006 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 November 2006.



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